

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DUSTIN LEON MILLER,  
Petitioner,

v.

TUOLUMNE COUNTY SUPERIOR  
COURT,

Respondent.

Case No. [20-cv-03497-VC](#) (PR)

**ORDER OF TRANSFER**

Dustin Leon Miller, a state prisoner incarcerated at Deuel Vocational Institution, located in Tracy, California, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in Tuolumne County Superior Court. A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Miller was convicted in Tuolumne County Superior Court, which lies within the venue of the Eastern District of California. Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action to the

United States District Court for the Eastern District of California.

All pending motions are TERMINATED on this Court's docket.

**IT IS SO ORDERED.**

Dated: July 24, 2020

A handwritten signature in dark ink, appearing to read 'Vince', is written above a horizontal line.

VINCE CHHABRIA  
United States District Judge